

**UNITED STATES COPYRIGHT ROYALTY JUDGES**

**In the Matter of**

**Distribution of the 2010  
Satellite Royalty Funds**

**Docket No. 2012-5 CRB SD 2010**

**ORDER GRANTING PHASE I CLAIMANTS' MOTION  
FOR PARTIAL DISTRIBUTION OF 2010 SATELLITE ROYALTY FUNDS**

On August 3, 2012, the Copyright Royalty Judges ("Judges") published in the **Federal Register** a Notice<sup>1</sup> soliciting comments on a June 20, 2012, Motion of Phase I Claimants for Partial Distribution of the 2010 satellite royalty funds ("Motion") under section 801(b)(3)(C) of the Copyright Act. The claimants seek a partial distribution of 50 percent of those funds.<sup>2</sup> In particular, the notice solicited comments on whether there are reasonable objections to the requested distribution. The notice also solicited comments on whether there would be any Phase I or Phase II controversies with respect to the remaining funds if the motion were granted.

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<sup>1</sup> 77 FR 46526. The Phase I Claimants are the Program Suppliers, Joint Sports Claimants, Broadcaster Claimants Group, Music Claimants (American Society of Composers, Authors and Publishers, Broadcast Music, Inc., and SESAC, Inc.), and Devotional Claimants.

<sup>2</sup> In support of their Motion, the Phase I Claimants assert that all of the preconditions of section 801(b)(3)(C) of the Copyright Act have been or will be satisfied prior to distribution.

That section provides that:

[T]he [J]udges, at any time after the filing of claims under section 111...may, upon motion of one or more of the claimants and after publication in the Federal Register of a request for responses to the motion from interested claimants, make a partial distribution of such fees, if, based upon all responses received during the 30-day period beginning on the date of such publication, the [Judges] conclude that no claimant entitled to receive such fees has stated a reasonable objection to the partial distribution, and all such claimants—

- (i) agree to the partial distribution;
- (ii) sign an agreement obligating them to return any excess amounts to the extent necessary to comply with the final determination on the distribution of the fees made under subparagraph (B);
- (iii) file the agreement with the Copyright Royalty Judges; and
- (iv) agree that such funds are available for distribution.

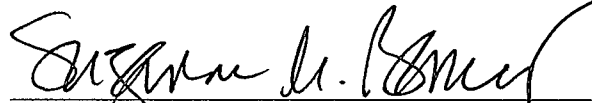
In response to the notice the Judges received joint comments from the Phase I Claimants and ASCAP and BMI and individual comments from Broadcaster Claimants Group, Devotional Claimants, Joint Sports Claimants, Program Suppliers, SESAC, Word of God Fellowship, Inc. (dba Daystar Television Network) and Worldwide Subsidy Group LLC (dba Independent Producers Group). No commenter stated a reasonable objection to the proposed distribution, although controversies exist with respect to the 2010 satellite royalties.

Therefore, the Motion is **GRANTED**.

Wherefore, **THE JUDGES ORDER** that 50% of 2010 satellite royalties shall be distributed to a designated representative of the Office of the Commissioner of Baseball who will serve as the common agent for the distribution of royalties among the Phase I claimants, as set forth in the Motion.

The Copyright Office shall make such a distribution **PROVIDED THAT** each of the claimants receiving a share of these funds provides to the Copyright Office a signed agreement prepared by the Copyright Royalty Board stating that the recipients shall repay to the Copyright Office any overpayment that results from the distribution of these funds together with interest according to the amount that would have accrued if the principal had remained in the fund. In addition, all pertinent information to effect the transfer of funds must be provided to the Licensing Division of the Copyright Office no later than October 18, 2012. The distribution shall take place on or after October 25, 2012.

**SO ORDERED.**

A handwritten signature in black ink, appearing to read "Suzanne M. Barnett", written over a horizontal line.

Suzanne M. Barnett  
Chief, U.S. Copyright Royalty Judge

DATED: September 18, 2012

## **Keys, LaKeshia**

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**From:** Keys, LaKeshia  
**Sent:** Tuesday, September 18, 2012 12:35 PM  
**To:** crb  
**Subject:** 2012-5 CRB SD 2010 Order  
**Attachments:** 9-18-12 Order Granting Phase I Claimants for Partial Distribution of 2010 SRF.pdf

Attached please find the 2012-5 CRB SD 2010 Order Granting Phase I Claimants Motion for Partial Distribution of 2010 Satellite Royalty Funds.

**Please reply back as confirmation that you received this email.**

Thanks,

**Copyright Royalty Board**

Greg Guillot, PC  
13455 Noel Road, Suite 1000  
Dallas, TX 75240

George Grange  
Kenneth Liu  
Gammon & Grange PC  
8280 Greensboro Drive, 7<sup>th</sup> Floor  
McLean, VA 22102

Brian Boydston  
Pick & Boydston LLP  
10786 LeConte Avenue  
Los Angeles, CA 90024

*mailed  
9/18/12  
(no email  
proof)*

## Keys, LaKeshia

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**From:** Microsoft Exchange  
**To:** Gina Giuffreda; crb (crb@loc.gov); LaKeshia D. Keys; Richard C. Strasser  
**Sent:** Tuesday, September 18, 2012 12:35 PM  
**Subject:** Delivered: 2012-5 CRB SD 2010 Order

**Your message has been delivered to the following recipients:**

Gina Giuffreda

crb (crb@loc.gov)

LaKeshia D. Keys

Richard C. Strasser

Subject: 2012-5 CRB SD 2010 Order

---

Sent by Microsoft Exchange Server 2007

**Keys, LaKeshia**

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**From:** Microsoft Exchange  
**To:** Suzanne Barnett (Chief Judge); William J Roberts  
**Sent:** Tuesday, September 18, 2012 12:35 PM  
**Subject:** Delivered: 2012-5 CRB SD 2010 Order

**Your message has been delivered to the following recipients:**

Suzanne Barnett (Chief Judge)

William J Roberts

Subject: 2012-5 CRB SD 2010 Order

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Sent by Microsoft Exchange Server 2007

## Keys, LaKeshia

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**From:** Mail Delivery System [MAILER-DAEMON@birdlawfirm.com]  
**To:** jmccants@birdlawfirm.com  
**Sent:** Tuesday, September 18, 2012 12:39 PM  
**Subject:** Relayed: 2012-5 CRB SD 2010 Order

**Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:**

[jmccants@birdlawfirm.com](mailto:jmccants@birdlawfirm.com)

Subject: 2012-5 CRB SD 2010 Order

## Keys, LaKeshia

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**From:** Harrington, Clifford M. [clifford.harrington@pillsburylaw.com]  
**Sent:** Tuesday, September 18, 2012 1:27 PM  
**To:** crb  
**Subject:** RE: 2012-5 CRB SD 2010 Order

Received. Thank you.

**Clifford M. Harrington**  
**Chair, Communications Practice Section**  
**Pillsbury Winthrop Shaw Pittman LLP**

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Tel: 202.663.8525 | Fax: 202.663.8007 | Cell: 202.744.4001  
2300 N Street, N.W. | Washington, DC 20037-1128

Email: [Clifford.Harrington@pillsburylaw.com](mailto:Clifford.Harrington@pillsburylaw.com)  
Bio: [www.pillsburylaw.com/clifford.harrington](http://www.pillsburylaw.com/clifford.harrington)  
[www.pillsburylaw.com](http://www.pillsburylaw.com)

**From:** Keys, LaKeshia [mailto:lkey@loc.gov]  
**Sent:** Tuesday, September 18, 2012 12:35 PM  
**To:** crb  
**Subject:** 2012-5 CRB SD 2010 Order

Attached please find the 2012-5 CRB SD 2010 Order Granting Phase I Claimants Motion for Partial Distribution of 2010 Satellite Royalty Funds.

**Please reply back as confirmation that you received this email.**  
**Thanks,**  
**Copyright Royalty Board**

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## Keys, LaKeshia

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**From:** Plovnick, Lucy [lhp@msk.com]  
**Sent:** Tuesday, September 18, 2012 1:09 PM  
**To:** crb  
**Cc:** Olaniran, Greg  
**Subject:** RE: 2012-5 CRB SD 2010 Order

Program Suppliers confirm receipt of this order.

**Lucy Holmes Plovnick** | Partner | Mitchell Silberberg & Knupp LLP | 1818 N Street NW, 8th Floor, Washington, DC 20036 | direct: 202.355.7918 | fax: 202.355.7888 | [lhp@msk.com](mailto:lhp@msk.com) | [www.msk.com](http://www.msk.com)

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**From:** Keys, LaKeshia [<mailto:lkey@loc.gov>]  
**Sent:** Tuesday, September 18, 2012 12:35 PM  
**To:** crb  
**Subject:** 2012-5 CRB SD 2010 Order

Attached please find the 2012-5 CRB SD 2010 Order Granting Phase I Claimants Motion for Partial Distribution of 2010 Satellite Royalty Funds.

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Thanks,

Copyright Royalty Board

## Keys, LaKeshia

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**From:** Stewart, John [JStewart@crowell.com]  
**Sent:** Tuesday, September 18, 2012 12:46 PM  
**To:** crb  
**Subject:** RE: 2012-5 CRB SD 2010 Order

Thank you. We received the Order.

**From:** Keys, LaKeshia [<mailto:lkey@loc.gov>]  
**Sent:** Tuesday, September 18, 2012 12:35 PM  
**To:** crb  
**Subject:** 2012-5 CRB SD 2010 Order

Attached please find the 2012-5 CRB SD 2010 Order Granting Phase I Claimants Motion for Partial Distribution of 2010 Satellite Royalty Funds.

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Thanks,  
Copyright Royalty Board

## Keys, LaKeshia

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**From:** Brian D. Boydston, Esq. [brianb@ix.netcom.com]  
**Sent:** Tuesday, September 18, 2012 12:40 PM  
**To:** crb  
**Subject:** Re: 2012-5 CRB SD 2010 Order

Yes we received it.

Brian Boydston

-----Original Message-----

From: "Keys, LaKeshia"  
Sent: Sep 18, 2012 9:34 AM  
To: crb  
Subject: 2012-5 CRB SD 2010 Order

Attached please find the 2012-5 CRB SD 2010 Order Granting Phase I Claimants Motion for Partial Distribution of 2010 Satellite Royalty Funds.

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**Thanks,  
Copyright Royalty Board**